

The Report and Recommendation did not address plaintiff's claims against defendant SAMUAL A. DEMERSON.

The period for response has expired; and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

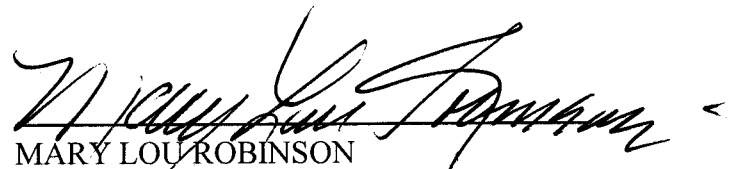
This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Claims by plaintiff ROBERT DANIEL COOKS against defendant TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) are DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

IT IS SO ORDERED.

ENTERED this 19th day of October, 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE